

1 As an initial matter, no discovery dispute actually exists related to any of Plaintiff's
2 discovery responses. Plaintiff and Defendants met and conferred on July 22, 2024 via a
3 telephonic conference regarding four (4) of Plaintiff's discovery responses. Plaintiff agreed
4 to supplement those responses by Friday, August 2, 2024. Plaintiff is still in the process of
5 supplementing the requested four (4) discovery requests, **and the deadline is still days**
6 **away**. No dispute exists, nor has Plaintiff refused to provide any requested information to
7 date. To the extent there may be a forthcoming dispute (which Plaintiff does not
8 anticipate), it certainly is not ripe for discussion now.
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10 Next, despite Defendants' representations that Plaintiff has not been cooperative,
11 Plaintiff has put forth significant effort to avoid unnecessary discovery disputes. For
12 example, Plaintiff answered nine (9) interrogatories served by Defendants that exceed the
13 allowable limit set by the Federal Rules of Civil Procedure, Rule 30(d)(1), as well as the
14 limit set by this Court (*see* Doc. 26 at 1). Plaintiff addressed the significant overage with
15 Defendants and asked for a courtesy additional five (5) interrogatories for Plaintiff as a
16 way to resolve the issue and ensure fairness. Defendants refused to provide any additional
17 discovery requests to Plaintiff. Despite Defendants' refusal, Plaintiff nonetheless provided
18 responses to the additional nine (9) interrogatories to avoid an unnecessary discovery
19 dispute.
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21 Regarding the current filings, Plaintiff requested the telephonic status conference
22 only after substantial effort to address Defendants' non-compliance with the Court's Order
23 related to the parties' discovery matrix (*see generally* Doc. 46) and because of Defendants
24 refusal to set a date to call the Court. Plaintiff's efforts include participating in meet and
25

1 confers on June 6, 2024 and June 11, 2024 - collectively over three (3) hours of phone calls
2 - and numerous emails. The volume of alleged non-compliance by Defendants required a
3 nine (9) page letter to document the issues, which letter Plaintiff sent to Defendants on July
4 17, 2024, **requesting a time to call the Court** (see Doc. 56 at 9). The items listed in the
5 letter are all the same issues already addressed with Defendants on June 6, 2024 and June
6 11, 2024.

7 In response, Defendants' counsel stated that he would confer with his client. Having
8 received no update, Plaintiff again asked for an update on when the parties could call the
9 Court in an email to Defendants dated July 25, 2024. Defendants' counsel responded that
10 he "did connect with our client" but again needed more time. Exhibit A. With the quickly
11 approaching discovery deadline, and having already asked Defendants to call the Court
12 multiple times **over nine (9) days**, only after receiving yet another refusal to set a time did
13 Plaintiff file its Request (Doc. 54).

14 As of drafting this Reply, the Court has now scheduled a telephonic status
15 conference on August 6, 2024 (Doc. 57). While Defendants may not be persuaded by
16 Plaintiff's efforts, they have consistently demonstrated throughout this lawsuit that once a
17 call is scheduled with the Court, significant efforts are made to produce missing discovery.
18 Although Plaintiff's attempts alone may not be persuasive, the involvement of the Court
19 appears to be effective. Notably, following Plaintiff's recent Request for a telephonic
20 conference with the Court, Defendants produced over four hundred (400) new documents
21 on July 29, 2024.

22 What prompted the Request was the quickly approaching discovery deadline.

1 However, the parties may be required to yet again push back the discovery deadline
2 because of Defendants' delays and non-compliance with the Court's Order.

3 RESPECTFULLY SUBMITTED this 30th day of July, 2024.
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Attorney for Plaintiff

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CERTIFICATE OF SERVICE

2 I hereby certify that on July 30, 2024, **Plaintiff's Request for Telephonic Status**
3 **Conference** was filed with the United States District Court, for the District of Arizona,
4 using the CM/ECM system, which will send notification of such filing to counsel of
record via electronic mail as follows:

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11 *s/Tremain Davis*
12 Tremain Davis